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EXAMINER

ROSARIO, DENNIS

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 04/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/002,706

Applicant(s)

SEAMAN ET AL.

Examiner

Dennis Rosario

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment was received on November 12, 2004. Currently, claims 4-20 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 4,7,13,16 and 19 have been considered but are moot in view of the new ground(s) of rejection (Liu et al.: US Patent 6,523,046 B2).

Specification

3. Due to the amendment the objection to the specification is withdrawn.

Claim Objections

4. The following quotations of 37 CFR § 1.75(a) is the basis of objection:

(a) The specification must conclude with a claim particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention or discovery.
5. Claim 16 is objected to under 37 CFR § 1.75(a) as failing to particularly point out and distinctly claim the subject matter which the applicant regards as his invention or discovery.

Claim 16, line 10: "the digital representation of the image" ought to be amended to "a digital representation of an image".

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 4-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Liu et al. (US Patent 6,523,046 B2).

Regarding claim 7, Liu et al. discloses an image capture device, comprising:

- a) image capture hardware ("digital cameras" in col. 1, line 51) configured to capture an image; and
- b) logic (Fig. 2 represents a logic circuit.) configured for:
 - b1) generating a digital representation of the image (Fig. 2 shows a double headed arrow between numerals 212 and 214 that corresponds to generating a digital representation of the image from the "digital cameras" in col. 1, line 51.), the digital representation comprising image data;

b2) applying at least one predefined image analysis algorithm (Col. 7, line 43: "a photograph editing application" is applied.) to the digital representation of the image (Col. 7, lines 61,62: "photo album application" is applied to a "photo image files" in col. 7, line 63.) to identify content within the image (Col. 7, lines 61,62: "photo album application" is applied to a "photo image files" in col. 7, line 63 to identify content within the image or "arrange...photo image files...according to...color content (col. 7, line 63-66)."),

b21) the at least one predefined image analysis algorithm (Col. 7, line 43: "a photograph editing application") generating image meta-data (Col. 7, line 43: "a photograph editing application" shown in figure 2,num. 216: "Application Programs" generates or "create[s]" in col. 7, line 25 "metadata" in col. 7, line 25 using "decoders" in col. 7, line 26 and shown in fig. 2,num. 212: CODECs.) corresponding to the image content (Col. 7, line 43: "a photograph editing application" shown in figure 2,num. 216: "Application Programs" generates or "create[s]" in col. 7, line 25 "metadata" in col. 7, line 25 using "decoders" in col. 7, line 26 and shown in fig. 2,num. 212: CODECs corresponding to the image content or "color content (col. 7, line 63-66)."); and

b3) combining (Fig. 7, num. 516: "Execute encoder function" includes the claimed combining via an "encoder function...that... stores (col. 13, lines 42,43).") the image meta-data (Fig. 7, num. 516: "Execute encoder function" includes the claimed combining via an "encoder function...that... stores (col. 13, lines 42,43) "metadata" in col. 7, line 25 and in col. 13, line 43.) corresponding to the image content (Fig. 7, num. 516: "Execute encoder function" includes the claimed combining via an "encoder function...that... stores (col. 13, lines 42,43) "metadata" in col. 7, line 25 and in col. 13, line 43 corresponding to the image content or "color content (col. 7, line 63-66).") with the image data (Fig. 7, num. 516: "Execute encoder function" includes the claimed combining via an "encoder function...that... stores (col. 13, lines 42,43) "metadata" in col. 7, line 25 and in col. 13, line 43 corresponding to the image content or "color content (col. 7, line 63-66)" with "a native format image file" in col. 13, line 44.) to define new image data (Fig. 7, num. 516: "Execute encoder function" includes the claimed combining via an "encoder function...that... stores (col. 13, lines 42,43) "metadata" in col. 7, line 25 and in col. 13, line 43 corresponding to the image content or "color content (col. 7, line 63-66)" with "a native format image file" in col. 13, line 44 to define new image data or the native format image file includes the addition of the metadata.).

Claim 4 is rejected the same as claim 7. Thus, argument similar to that presented above for claim 7 is equally applicable to claim 4.

Regarding claim 5, Liu et al. discloses the image file of claim 4, wherein the image meta-data (The "metadata" in col. 7, line 25.) comprises at least one searchable keyword (The "metadata" in col. 7, line 25 comprises an "ordering key" in col. 8, line 3 is used to "retrieve" in col. 8, line 2 which is a form of searching.).

Regarding claim 6, Liu et al. discloses the image file of claim 4, wherein the predefined image analysis algorithm (Col. 7, line 43: "a photograph editing application") comprises:

a) a face recognition vector algorithm (Col. 7, line 43: "a photograph editing application" is a subset of a program called "Content management" in col. 7, line 8 that uses "a particular person" in col. 7, line 28. Thus, the photograph editing application can use a particular person, which has a face.).

Regarding claim 8, Liu et al. discloses the image capture device of claim 7, wherein the logic is software and further comprising a processing device for implementing the logic (as shown in fig. 1).

Regarding claim 9, Liu et al. discloses the image capture device of claim 7, wherein the logic (Fig. 2 is the logic circuit.) is further configured for storing the new image data (Fig. 2 is the logic circuit further configured to store the native format image file that includes the addition of the metadata in the memory of fig. 1, num. 130:SYSTEM MEMORY.)

Regarding claim 10, Liu et al. discloses the image capture device ("digital cameras" in col. 1, line 51) of claim 7, further comprising a network interface device (The "digital cameras" in col. 1, line 51 further comprise a network interface device as shown in fig. 1,num. 170: NETWORK INTERFACE) configured for communication with a communications network (Fig. 1,num. 171: LOCAL AREA NETWORK) and wherein the logic (Fig. 2 is the logic circuit.) is further configured (Fig. 2 is the logic circuit further configured with a double headed arrow between numerals 216 and 218.) for providing the new image data (Fig. 2 is the logic circuit further configured with a double headed arrow between numerals 216 and 218 for providing the new image data or the native format image file that includes the addition of the metadata.) to the communications network (Fig. 2 is the logic circuit further configured with a double headed arrow between numerals 216 and 218 for providing the new image data or the native format image file that includes the addition of the metadata to the communications network of fig. 1,num. 171: LOCAL AREA NETWORK.).

Claim 11 is rejected the same as claim 10. Thus, argument similar to that presented above for claim 10 is equally applicable to claim 11.

Claims 12 and 14 are rejected the same as claim 5. Thus, argument similar to that presented above for claim 5 is equally applicable to claims 12 and 14.

Regarding claim 13, Liu et al. discloses a method for generating an image file containing meta-data, the method comprising:

a) identifying a digital representation of an image (Fig. 2, num. 216: "Application Programs" identify or "search" in col. 7, line 26 a digital representation of an image from fig. 2,num. 214: Multimedia Files), the digital representation comprising image data.

The remaining limitations were addressed in claim 7 paragraphs b2) and b3).

Regarding claim 15, Liu et al. discloses the method of claim 13, wherein identifying a digital representation of the image (Fig. 2, num. 216: "Application Programs" identify or "search" in col. 7, line 26 a digital representation of an image from fig. 2,num. 214: Multimedia Files) involves receiving the image data (Fig. 2, num. 216: "Application Programs" identify or "search" in col. 7, line 26 a digital representation of an image from fig. 2,num. 214: Multimedia Files and "organize" in col. 7, line 26 the image which must be retrieved in order to organize with other images.).

Regarding claim 16, Liu et al. discloses a method for searching image files having specific image meta-data, the method comprising :

a) receiving a search query (Fig. 7, num. 502: "Receive, by abstraction interface, API call and image file identification from application" is a step that receives a search query or an image file identification.) comprising information related to specific image meta-data (Fig. 7, num. 502: "Receive, by abstraction interface, API call and image file identification from application" is a step that receives a search query or an image file identification comprising information related to specific image meta-data or an identifier that identifies an image file.);

b) based on the search query (Based on fig. 7, num. 502: "Receive, by abstraction interface, API call and image file identification from application" is a step that receives a search query or an image file identification....), searching one or more image files (Based on fig. 7, num. 502: "Receive, by abstraction interface, API call and image file identification from application" is a step that receives a search query or an image file identification....searching one image file in step 508: "Image file generic metadata previously stored?" searches the image file.) for the image meta-data specified in the search query (Based on fig. 7, num. 502: "Receive, by abstraction interface, API call and image file identification from application" is a step that receives a search query or an image file identification....searching one image file in step 508: "Image file generic metadata previously stored?" searches the image file for metadata or the image file identification specified in the search query of fig. 7, num. 502: "Receive, by abstraction interface, API call and image file identification from application" which is a step that receives a search query or an image file identification.),

b1) the image meta-data (The image meta-data or an identifier that identifies an image file.) having been generated by applying a predefined image analysis algorithm (The image meta-data or an identifier that identifies an image file is created in a program step 510: "Create and store generic metadata properties corresponding to image file".) to [the] a digital representation of [the] an image (The image meta-data or an identifier that identifies an image file is created in a program step 510: "Create and store generic metadata properties corresponding to image file" which creates metadata for an image file.) to identify content within the image (The image meta-data or an identifier that identifies an image file is created in a program step 510: "Create and store generic metadata properties corresponding to image file" which creates metadata for an image file to identify content or "color content" in col. 7, line 66 within the image.); and

c) identifying (Fig. 7,num. 512: "Fulfill API-Invoked request" fulfills a request that is based on the "file identification" in step 502:" Receive, by abstraction interface, API call and image file identification from application.") one or more of the image files (Fig. 7,num. 512: "Fulfill API-Invoked request" fulfills a request that is based on the "file identification" in step 502:" Receive, by abstraction interface, API call and image file identification from application" where the file identification identifies an image file.) that comprise image meta-data (Fig. 7,num. 512: "Fulfill API-Invoked request" fulfills a request that is based on the "file identification" in step 502:" Receive, by abstraction interface, API call and image file identification from application" where the file identification identifies an image file that comprise image metadata from step 510 which creates the metadata.) that matches the image meta-data specified in the search query (Fig. 7,num. 512: "Fulfill API-Invoked request" fulfills a request that is based on the "file identification" in step 502:" Receive, by abstraction interface, API call and image file identification from application" where the file identification identifies an image file that comprise image metadata from step 510 which creates the metadata that matches the image file identification specified in the search query of fig. 7, num. 502: "Receive, by abstraction interface, API call and image file identification from application". Note that fig. 7,num. 514: "Return function status and/or results to application" provides a check as to whether a "match" is present or not based on an identifier or "ID list" as mentioned in col. 10, lines 60-65.).

Regarding claim 17, Liu et al. discloses the method of claim 16, further comprising:

a) providing the one or more image files that match the specific image meta-data in the search query (Fig. 5, num. 514: "Return function status and/or results to application" provides an image file from fig. 5, num. 512 that matches the image file identification specified in the search query of fig. 7, num. 502: "Receive, by abstraction interface, API call and image file identification from application").

Claim 18 is rejected the same as claim 5. Thus, argument similar to that presented above for claim 5 is equally applicable to claims 18.

Claim 19 is rejected the same as claim 16. Thus, argument similar to that presented above for claim 16 is equally applicable to claim 19.

Claim 20 is rejected the same as claim 5. Thus, argument similar to that presented above for claim 5 is equally applicable to claim 20.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hirata (US Patent 6,240,423 B1) is pertinent as teaching a method of analyzing an image and generating metadata based on the analysis as shown in fig. 3.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Rosario whose telephone number is (571) 272-7397. The examiner can normally be reached on 6-3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (571)272-7453. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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